

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA No. 35/1408 of 2018

Asim Banerjee, son of Late Anadilal
Bandopadhyay, residing at Flat No.
3B, 239, Dum Dum Park, Kolkata -
700 055.

.....Applicant

-VERSUS-

1. Union of India, service through
the Secretary of the Government of
India, Ministry of Labour and
Employment, Shram Shakti Bhawan,
Rafi Marg, New Delhi - 11 001;

2. The Secretary to Government of
India, Department of Expenditure,
Ministry of Finance, North Block, New
Delhi - 110 001;

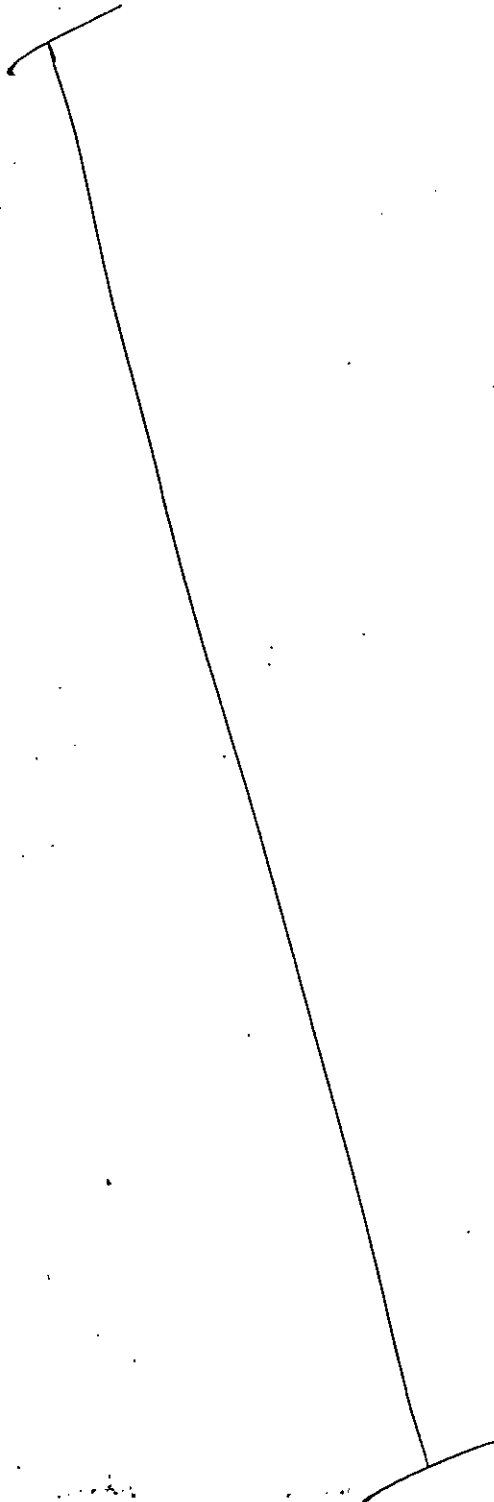
3. The Chairman, Central Board for
Workers Education, Room No. 21 & 2,
Barrack No. 7/10, Jam Nagar House,
Man Singh Road, New Delhi - 110
001;



4. The Director, Central Board for
Workers Education, VRCE Gate, North
Ambazari Road, Nagpur - 440 033;

.....Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1408/2018

Date of Order: 02.01.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

ASIM BANERJEE -VS- CBWE

For the Applicant(s): Ms. C. Mukherjee, Counsel

For the Respondent(s): Mr. A. K Chattopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. C. Mukherjee, Ld. Counsel for the applicant.

2. Mr. A.K. Chattopadhyay, Ld. Counsel, who usually appears for the UOI, is present in the Court and, on my request, Ms. Mukherjee has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented. Heard Mr. Chattopadhyay, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"Under the circumstance it is most humbly prayed that Your Lordships would be graciously pleased to pass an order directing the Respondent Authorities to revoke the letter dated 08.09.2017, and continue to pay the Applicant his rightful pension in accordance with Notification being C-18011/7/2014-ESA(WE) dated 17.07.2015 in strict compliance with provision of law;

Direct the Respondents to refund the pension amount along with 12% interest, as deducted since September, 2017 in furtherance of the Ministry's impugned letter dated 08.09.2017;

Pass such further order or orders as Your Lordships may deem fit and proper."

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4. Brief facts of the case as enumerated by the Ld. Counsel for the applicant is that the applicant retired as Ex. RD CBWE, Barrackpore (PPO NO. 762) on 31.12.2016. Upon retirement, he was granted the basic pension of Rs. 19,950/- and Reduced Pension of Rs. 11,790/- w.e.f. 01.01.2017. In the Pension Payment Order, it was categorically stated that the grant of monthly pension in the upgraded pay scale was subject to the condition that if the appeal filed by CBWE being WPCT No. 85/2018 in the Hon'ble High Court of Calcutta is allowed, then necessary measure of reducing pension and other retirement benefits would be implemented. Based on the condition, the Applicant received his pension in the upgraded pay scale till the month of May, 2018. The applicant received a Letter dated 17.11.2017 stating that the Basic Pension and the Reduced Pension shall be reduced to Rs. 14,745/- and Rs. 8,847/- respectively. The applicant submits that since the Appeal is pending before the Hon'ble High Court of Calcutta, the CBWE is bound by the decision of the Hon'ble Court and hence, such reduction in pension is illegal and bad in the eyes of law.

5. On perusal of the record, I find that applicant has approached this Tribunal without ventilating his grievance before the authorities. On being asked, Ld. Counsel for the applicant prayed liberty of this Tribunal to make a representation annexing all the required documents, along with judgment and circulars, to Respondent No.3. She further submitted that the grievance of the applicant may be redressed if such representation of the applicant is considered by Respondent No.3 within a specific time frame.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. granting liberty to the applicant to make a comprehensive representation annexing all the required documents, along with

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judgment and circulars which the applicant feels proper, within a period of two weeks from the date of receipt of copy of this order and in case any such representation is preferred within a period of two weeks from the date of receipt of copy of this order then Respondent No.3 is directed to consider the same keeping in mind all the points raised in the representation as well as relevant rules and regulations and communicate the result to the applicant in a well reasoned order within a period of six weeks from the date of receipt of the said representation. I make it clear that till the representation is considered, disposed of and result is communicated to the applicant, no further recovery will be made from the applicant. It is also made clear that if after such consideration Respondent No.3 is satisfied that the grievance of the applicant is genuine then necessary steps may be taken to refund the already recovered amount and restore the pension as admissible to the applicant.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. Copies of this order be handed over to the Ld. Counsel for both the parties. Applicant is granted liberty to annex a copy of this order, along with his representation.

(A.K.Patnaik)
Member(J)

RK/PS